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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,954	HOANG, KHOI	
	Examiner	Art Unit	
	Michael Van Handel	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Toriumi.

Referring to claims 1, 3, and 6, Toriumi discloses a method of transmitting karaoke (sing-along) files to a large number of customers, comprising the act of transmitting a plurality of data files simultaneously to a plurality of users (col. 2, l. 60-67)(col. 3, l. 1-2), wherein at least one of said data files is transmitted at a rate greater than the play rate of said data file, and wherein each data file is transmitted repeatedly (col. 3, l. 7-11).

Referring to claim 2, Toriumi discloses the method of claim 1, including transmitting an electronic program guide (EPG) to said plurality of users, wherein said user may select said selected data file using said electronic program guide (audio channel selection table)(col. 7, l. 1-6)(Fig. 3).

Referring to claim 4, Toriumi discloses the method of claim 3, wherein each data file has an allocated bandwidth, wherein said data files are repeatedly transmitted on a corresponding allocated bandwidth (col. 8, l. 15-44)(Figs. 1, 4).

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3. Claims **17-35, 39-41** are rejected under 35 U.S.C. 102(e) as being anticipated by Birk et al.

Referring to claims **17, 20, 27, 34, and 39**, Birk et al. discloses a method/apparatus/DOD broadcast system/server for downloading/broadcasting data files periodically (col. 3, l. 44-48), using an intelligent STB, comprising:

- storing data files at a storage server and retrieving selected data files from said storage server to a channel server (col. 8, l. 49-58);
- broadcasting a plurality of data files (col. 3, l. 30-31, 44-46);
- receiving a user input indicating at least one selected data file (col. 10, l. 1-5);
- initiating an authorized download of at least a first part of the selected data file broadcast during the first interval (col. 15, l. 28-41);
- displaying at least a portion of said first part of the selected data file (col. 4, l. 43-52);
- retrieving a second part of the data file broadcast during the second time interval, wherein at least a portion of said first part is being displayed during said second time interval (col. 4, l. 24-29)(Fig. 2); and
- displaying at least a portion of said second part of the selected data file (the examiner notes that the second program segment will be displayed after the segment has been recorded)(col. 4, l. 50-51).

Referring to claim **18**, Birk et al. discloses the method of claim 17, further comprising:

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- retrieving additional parts of the data file broadcast during an additional time interval (Fig. 2); and
- rearranging all the parts to reconstitute the complete data file (col. 5, l. 29-33).

Referring to claim **19**, Birk et al. discloses the method of claim 17, further comprising determining the waiting time necessary before playing said data file to assure that data blocks corresponding to said data file are received before they are scheduled to be played (this limitation is met by the citations noted in the rejection of claim 17 above).

Referring to claims **21** and **28**, Birk et al. discloses the apparatus of claims 20 and 27, respectively, further comprising a communications port (inherent) for requesting an authorization for retrieval of the file requested (col. 10, l. 1-8).

Referring to claims **22** and **29**, Birk et al. discloses the apparatus of claims 20 and 27, respectively, further comprising:

- means for retrieving a third part of the data file broadcast during a third time interval (Fig. 2); and
- means for rearranging the first, second and third parts to reconstitute the complete data file (this limitation is met by the citations noted in the rejection of claim 18 above).

Referring to claims **23** and **30**, Birk et al. discloses the apparatus of claims 20 and 27, respectively, wherein an EPG (menu of offered programs) is received by a user STB and presented to the user (col. 10, l. 1-5).

Referring to claims **24**, **25**, **31**, and **32**, Birk et al. discloses the apparatus of claims 20 and 27, wherein the user STB automatically determines a download time and a play time from data transmitted with the EPG corresponding to the file selection by the user

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and automatically displays at least a portion of said file after a waiting period, said waiting period being automatically calculated according to said download time and said play time (col. 3, l. 39-56)(col. 4, l. 24-29)(col. 5, l. 7-15).

Referring to claims **26** and **33**, Birk et al. discloses the apparatus of claims 22 and 29, respectively, wherein said waiting period is further responsive to the number of data blocks comprising said file (the examiner notes that the download time is defined by the number of segments that are transmitted)(col. 3, l. 60-67).

Referring to claim **40**, Birk et al. discloses the apparatus of claim 39, wherein said time period is less than the time required to download said first data file (col. 7, l. 58-62).

Referring to claim **41**, Birk et al. discloses the apparatus of claim 39, further comprising a service authorization processor operative to receive authorization requests from clients and to provide authorization codes to clients to view a selected data file, wherein said service authorization processor is further operative to send information indicative of said selected data file to a billing apparatus, and wherein said billing apparatus is operative to update client billing records in response to said information (col. 10, l. 1-8)(col. 15, l. 28-41).

4. Claims **35-38** are rejected under 35 U.S.C. 102(e) as being anticipated by Norsworthy et al.

Referring to claim **35**, Norsworthy et al. discloses a set top box apparatus for accessing small DOD data files broadcast over a wide area network, comprising:

- a user input device for selecting a desired data file (col. 2, l. 25-27);

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- a first communication link for requesting authorization to access said selected data file and a second communications link for receiving authorization to access said selected data file (col. 2, l. 27-33); and
- a processor for tuning into a bandwidth corresponding to said selected data file and a third communications link for receiving said selected data file (col. 5, l. 23-30).

Referring to claims **36** and **37**, Norsworthy et al. discloses the apparatus of claims 35 and 36, respectively, including a display device for automatically displaying at least a portion of said selected data file when a minimum portion of said selected data file has been received (col. 5, l. 38-40)(col. 7, l. 47-50).

Referring to claim **38**, Norsworthy et al. discloses the apparatus of claim 36, wherein said input device is further operative to receive user input activating a transaction feature, wherein visual data associated with said transaction feature is displayed via said display device (col. 7, l. 5-17).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim **5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Toriumi.

Referring to claim **5**, Toriumi discloses the method of claim 2. Toriumi does not disclose that an icon corresponding to each data file is displayed via the EPG, such that a

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user may select the data file by selecting the displayed icon. The examiner takes Official Notice that it is well known within the prior art to associate icons with data in program guides and to display data upon selection of an icon. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the audio channel selection table of Toriumi to include selection icons, such as that taught by the prior art in order to provide a user-friendly interface for selecting data to be displayed.

7. Claims **7-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Toriumi in view of Hendricks.

Referring to claim 7, Toriumi discloses the method of claim 1. Toriumi does not disclose that at least one of the plurality of data files is a text file including textual information. Hendricks discloses an electronic book selection and delivery system (col. 3, l. 34-35, 49-53). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the data transmitting method of Toriumi to include transmitting electronic books, such as that taught by Hendricks in order to ease the distribution of books from publishers to customers.

Referring to claim 8, the combination of Toriumi and Hendricks teaches the method of claim 7, wherein said text file includes a plurality of pages, wherein at least one page contains textual information (Hendricks col. 11, l. 24-27).

Referring to claim 9, the combination of Toriumi and Hendricks teaches the method of claim 8, wherein at least one of said pages includes a graphic image (Hendricks col. 10, l. 12-15).

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Referring to claim **10**, the combination of Toriumi and Hendricks teaches the method of claim 9. The combination of Toriumi and Hendricks does not teach that the graphic image is formatted as a JPEG image. The examiner takes Official Notice that it is well known within the prior art to transmit images formatted in JPEG. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to format the images of Toriumi in JPEG, such as that taught by the prior art in order to decrease the file size of the image being transmitted.

Referring to claim **11**, the combination of Toriumi and Hendricks teaches the method of claim 8, wherein at least one of a plurality of pages is an index including information indicative of the contents of at least one other page (the examiner notes that the operations center receives textual material from outside sources and places the text onto a video signal for sending in a video distribution system. It is inherent that some books will contain indexes and that these indexes will be provided in the same manner as every other page in the book)(Hendricks col. 3, l. 65-67)(Hendricks col. 4, l. 1-8).

Referring to claim **12**, the combination of Toriumi and Hendricks teaches the method of claim 7, wherein a service corresponding to a transaction feature contained in said text file may be activated by said first user (Hendricks col. 4, l. 45-48)(Hendricks col. 10, l. 45-58).

Referring to claim **13**, the combination of Toriumi and Hendricks teaches the method of claim 12, wherein a set top box (STB) transmits an electronic message in response to said activation of said transaction feature (Hendricks col. 17, l. 8-19).

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Referring to claims 14 and 15, the combination of Toriumi and Hendricks teaches the method of claim 13, wherein said electronic message includes an order for the purchase of goods or services from a third party provider (col. 4, l. 45-52).

Referring to claim 16, the combination of Toriumi and Hendricks teaches the method of claim 13, wherein said electronic message includes an order directing funds to be deposited in an account for payment of a bill (col. 14, l. 43-47).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taniguchi et al. discloses a video/audio data device that supplies karaoke data.

Shojima discloses a data broadcasting system, which is capable of shortening the waiting time until objective data is received in a receiving apparatus and for transmitting the objective data at a faster transmitting speed.

Matsumoto discloses a music play apparatus with advance resetting for subsequent playing.

Ikami et al. discloses a one-way data transmission system in which the center serially and cyclically transmits a plurality of information data to terminals.

De Bey discloses a system and method for optimizing transmission of a program to multiple users over a distribution system, with particular application to video-on-demand for a CATV network.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel
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